IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1018 of 1996

For Approval & Signature

THE HON'BLE MR. JUSTICE A.R. DAVE

AND

THE HON'BLE MR. JUSTICE

- 1. Whether reporters of Local Papers may be allowed to see the judgment ?
 - 2. To be referred to the Reporter or not ?
 - 3. Whether their Lordships wish to see the fair copy of the judgment ?
 - 4. Whether this case involves a substantial question of la...

Constitution of India, 1950 or any other order made thereunder ?

5. Whether it is to be circulated to the Civil Judge ?

JIVAN SHANKARBHAI GOHIL

Versus

STATE OF GUJARAT

Appearance:

MR AMIT M PANCHAL for Petitioner
MR K.P.RAVAL, APP for Respondent No. 1

Date of Order: 09/08/96

ORAL JUDGMENT

Rule. Mr. KP Raval, learned APP appears and waives service of rule for Respondent no.1. With the consent of the parties, this application is taken up for final hearing today.

LA Mr. Amit Panchal appearing for the petitioner has relied upon the judgment reported at page 116 of GLR 22(1). On the basis of the ratio of the said judgment, he has submitted that it is very much necessary that the accused should know the statements which were made by certain persons when accidental death was recorded by the police authority. According to his submission, contradictory statements have been made. There are several contradictions in the statements made before the police at the time when alleged offence was being investigated and at the time when the accidental death was reported in the past.

In view of the judgment referred to herein above, it is very clear that the accused is entitled to other documents which might be necessary for him to prepare his defence and in the instant case, statements which are made before the police authorities at the time of recording the accidental death are also necessary for the accused to prepare his defence so as to contradict the witnesses who have made different statements at different times.

In view of the above circumstances, I find much substance in the arguments advanced by LA Mr. Panchal Hence, present Spl.Cri. Application is allowed and order dated 12.7.1996 passed below exh.10 is hereby quashed and set aside and it is directed that the accused shall be supplied with copies of statements recorded by police at the time when the accidental death was reported.

Rule is made absolute accordingly. DIRECT SERVICE PERMITTED.

09.08.1996 [A.R. DAVE, J]

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